


CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

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On August 6, 2012, the Magistrate Judge issued a report and recommendation, recommending that defendant's motion to dismiss the first amended complaint be granted and

that Luther's motion for summary judgment, motion for leave to file a second amended complaint, and motion for extension of time to answer defendant's discovery requests all be denied as moot. Plaintiff has filed objections to the report and recommendation, in which he appears to reiterate the allegations raised in his first amended complaint rather than object specifically to any portion of the report pursuant to Federal Rule of Civil Procedure 72(b)(2).

Nevertheless, the court has considered the objections raised by Luther and carefully reviewed the Magistrate Judge's report as well as the relevant portions of the docket and concludes that the Magistrate Judge's report is substantially correct. The court therefore adopts the report and recommendation.

It is accordingly **ORDERED** and **ADJUDGED** that defendant's motion to dismiss Luther's first amended complaint (Dkt. # 32) is **GRANTED**, and that defendant's motion to dismiss the original complaint (Dkt. # 16), Luther's motion for summary judgment (Docket # 23), Luther's motion for leave to file a second amended complaint (Dkt. # 39), and Luther's motion for extension of time to answer defendant's discovery request are all **DENIED as moot**. (Dkt. # 40.) This matter is hereby **DISMISSED with prejudice** and is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to plaintiff and to counsel of record.

Entered: September 25, 2012

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge